

Nos. 25-3030, 25-3034, 25-3293

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

American Federation of Government
Employees, AFL-CIO, *et al.*,
Plaintiffs-Appellees,
v.

Donald J. Trump, *in his official capacity as
President of the United States, et al.,*
Defendants-Appellants.

Nos. 25-3030, 25-3293

On Appeal from the U.S. District
Court for the Northern District of
California

D.C. No. 3:25-cv-03698-SI

*In re Donald J. Trump, in his official capacity
as President of the United States, et al.,*
Petitioners-Defendants.

No. 25-3034

On Petition for Writ of
Mandamus to the U.S. District
Court for the Northern District of
California

D.C. No. 3:25-cv-03698-SI

**PLAINTIFFS/APPELLEES' UNOPPOSED MOTION FOR LEAVE TO
EXCEED WORD LIMIT**

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UNOPPOSED MOTION FOR LEAVE TO EXCEED WORD LIMIT

Plaintiffs-Appellees/Real Parties in Interest American Federation of Government Employees et al. (“Plaintiffs”) hereby move the Court for permission to exceed the word limit applicable under Federal Rule of Appellate Procedure 27 and Ninth Circuit Rules 27-1(1)(d), 32-2, and 32-3 for their response to Defendants-Appellants’ pending Emergency Motion under Circuit Rule 27-3 for Stay Pending Appeal/Petition for Writ of Mandamus. As set forth in the accompanying declaration of Stacey M. Leyton, this motion is based on a showing of diligence and compelling need.

The following facts demonstrate good cause for granting Plaintiffs’ motion:

1. This case challenges an Executive Order requiring dramatic changes to the agencies of the federal government, which Plaintiffs contend is unconstitutional and ultra vires, and to implementing agency directives and actions that Plaintiffs contend violate the Administrative Procedure Act. Leyton Decl. ¶2.

2. The District Court entered a preliminary injunction on the evening of Thursday, May 22, following a hearing earlier that day. The preliminary injunction enjoins further agency action implementing the challenged Executive Order. Leyton Decl. ¶3.

3. On Friday, May 23, Defendants-Appellants Donald J. Trump et al. (“Defendants”) filed a notice of appeal from that preliminary injunction order and an emergency motion for a stay pending appeal. That appeal was given Ninth Circuit Case No. 25-3293. Defendants had previously filed appeals from the District Court’s temporary restraining order and related discovery orders, Ninth

Circuit Case Nos. 25-3030 and 25-3034. Leyton Decl. ¶4. Defendants therefore styled their new motion to stay the preliminary injunction as a “supplemental motion.”

4. On Saturday, May 24, at 1:07 p.m., this Court entered an order requiring a response to the emergency motion to be filed by 10:00 a.m. on Tuesday, May 27. Plaintiffs have worked diligently to prepare their response over the holiday weekend. Leyton Decl. ¶7.

5. This case involves an extensive factual record of more than 1,500 pages of evidence presented in the District Court. It raises complex constitutional and statutory issues concerning the separation of powers between the executive and legislative branches, as well as significant issues under the Administrative Procedure Act, challenges to the federal courts’ jurisdiction, and challenges to the scope of the injunction. The issues raised are of enormous importance to the public. Defendants have presented their motion largely as a challenge to the merits and jurisdiction, urging that those issues be litigated on an emergency schedule. Leyton Decl. ¶8.

6. Plaintiffs have diligently attempted to streamline their response to the numerous issues raised by Defendants’ emergency motion, but believe that additional words are needed to enable Plaintiffs to fully address the issues and arguments raised by Defendants, which in turn will assist this Court in ruling on this emergency motion. Leyton Decl. ¶9. The many Plaintiffs, which include separately represented parties, also have been diligently working to submit a single joint brief in response to Defendants’ motion. *Id.* ¶7.

7. The applicable word limit under Ninth Circuit Rules 27-1(1)(d) and 32-3, plus Rule 32-2 governing joint briefs filed by separately represented parties, would be 7,000 words. For the foregoing reasons, Plaintiffs respectfully request an additional 2000 words to allow Plaintiffs to provide a full and complete response to Defendants' emergency motion. Without being permitted to submit a response of 9000 words, Plaintiffs will be unable to adequately respond to Defendants' emergency motion. Leyton Decl. ¶9.

For these reasons, Plaintiffs respectfully request the Court's permission to file a response of 9000 words. Counsel for Defendants take no position on the motion.

DATED: May 27, 2025

Respectfully submitted,

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FILER'S ATTESTATION

Pursuant to Circuit Rule 25-5(f), the filer attests that all other signatories to this document concur in the content of, and have authorized, this filing.

Dated: May 27, 2025

/s/ Stacey M. Leyton
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